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6 March 1995

Forty-ninth session
Agenda item 100 (c)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/49/610/Add.3)]

49/205. Rape and abuse of women in the areas of armed conflict in the former Yugoslavia

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the Convention on the Prevention and Punishment of the Crime of Genocide, 3/ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 4/ the Convention on the Elimination of All Forms of Discrimination against Women, 5/ the Convention on the Rights of the Child 6/ and other instruments of human rights and international humanitarian law, including the Geneva Conventions of 12 August 1949 7/ and the Additional Protocols thereto, of 1977, 8/

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 260 A (III).

4/ Resolution 39/46, annex.

5/ Resolution 34/180, annex.

6/ Resolution 44/25, annex.

7/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

8/ Ibid., vol. 1125, Nos. 17512 and 17513.

Recalling its resolution 3074 (XXVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

Taking note of Commission on Human Rights resolution 1994/77 of 9 March 1994, 9/ entitled "Rape and abuse of women in the territory of the former Yugoslavia", and recalling General Assembly resolution 48/143 of 20 December 1993, entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia",

Appalled at the continuing and substantiated reports of widespread rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, in particular its use by Serbian forces against Muslim women and children in Bosnia and Herzegovina and other non-Serbs,

Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992, in which, inter alia, the Council strongly condemned those acts of unspeakable brutality,

Welcoming the reports and recommendations of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, 10/

Taking note with deep concern of the reports on the findings of the Special Rapporteur regarding rape and abuse of women in the territory of the former Yugoslavia, particularly in Bosnia and Herzegovina,

Convinced that this heinous practice constitutes a deliberate weapon of war in fulfilling the policy of ethnic cleansing carried out by Serbian forces in Bosnia and Herzegovina, and recalling its resolution 47/121 of 18 December 1992, in which it stated, inter alia, that the abhorrent policy of ethnic cleansing was a form of genocide,

Welcoming the fact that the proceedings of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 have now begun, and, in this context, encouraging the provision of all resources necessary, including full funding as well as voluntary contributions from States and intergovernmental and non-governmental organizations, so that the Tribunal can conduct, without any interference and further delay, its stipulated functions of trying those accused of and punishing those responsible for the perpetration of violations of international law,

Desirous of ensuring that persons accused of upholding and perpetrating rape and sexual violence as a weapon of war in the areas of armed conflict in the former Yugoslavia will be brought to justice by the International Tribunal where appropriate and without further delay,

Underlining, in this context, the need for the protection of the rape victims and the provision to them of effective guarantees of privacy and confidentiality, and desirous of facilitating their participation in the

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9/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

10/ A/49/641-S/1994/1252, annex; and see S/26383, S/26415 and S/26469.

proceedings of the International Tribunal and ensuring that further traumatization will be prevented,

Stressing the need for further development and strengthening of a programme for protection of witnesses and survivors of sexual abuse and rape as a war crime who provide testimonies, in order to provide effective protection against retribution, and in this context expressing its support for the Victims and Witnesses Unit of the International Tribunal,

Deeply alarmed at the situation facing victims of rape in the conflicts in different parts of the world, in particular in Bosnia and Herzegovina, and the continuing use of rape as a weapon of war,

Noting with appreciation the work of the Office of the United Nations High Commissioner for Refugees, humanitarian organizations and non-governmental organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

Taking into account Commission on the Status of Women resolution 38/9 of 18 March 1994, 11/

Taking note of the report of the Secretary-General 12/ submitted pursuant to resolution 48/143,

1. Strongly condemns the continuing abhorrent practice of rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, which constitutes a war crime;

2. Expresses its outrage that the continuing and systematic practice of rape is being used as a weapon of war and an instrument of ethnic cleansing against women and children in Bosnia and Herzegovina;

3. Demands that those involved immediately cease those outrageous acts, which are in gross violation of international humanitarian law, including the Geneva Conventions of 12 August 1949 7/ and the Additional Protocols thereto, of 1977, 8/ and take immediate action to ensure the enjoyment of human rights and fundamental freedoms in accordance with their obligations under those instruments and other applicable international human rights instruments;

4. Urges all Member States to take joint and separate action, in cooperation with the United Nations, to bring about an end to that despicable practice;

5. Condemns the continuous and persistent denial of access by the Bosnian Serb forces to the Special Rapporteur of the Commission on Human Rights, the Special Representative of the Secretary-General, the Office of the United Nations High Commissioner for Refugees and the United Nations Protection Force, as well as other relevant humanitarian and human rights organizations, in the Serb-held areas, in particular Banja Luka, Bijeljina and other areas of concern, and demands that immediate and unimpeded access be granted, and in this context welcomes Security Council resolution 941 (1994) of 23 September 1994;

11/ See Official Records of the Economic and Social Council, 1994, Supplement No. 7 (E/1994/27), chap. I, sect, C.

12/ A/48/858.

6. Reaffirms that all persons who perpetrate or authorize crimes against humanity or other violations of international humanitarian law are individually responsible for those violations and that those in positions of authority who have failed to ensure that persons under their control comply with the relevant international instruments are accountable, together with the perpetrators;

7. Declares that rape is a heinous crime and encourages the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to give due priority to the cases of the victims of rape in the areas of armed conflict in the former Yugoslavia, in particular in Bosnia and Herzegovina;

8. Urges Member States to exert every effort to bring to justice, in accordance with internationally recognized principles of due process, all those individuals directly or indirectly involved in those outrageous international crimes;

9. Urges the Chief Prosecutor of the International Tribunal to consider the appointment to his office of experts in the prosecution of crimes of sexual violence, as recommended in its resolution 48/153 of 20 December 1993;

10. Calls upon States to put experts, including experts in the prosecution of crimes of sexual violence, at the disposal of the Chief Prosecutor and the International Tribunal;

11. Encourages the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia to continue to pay particular attention to the widespread occurrence of rape, particularly in Bosnia and Herzegovina, and acknowledges the work done by his team of female experts;

12. Urges all States and relevant organizations to give immediate and serious consideration to the recommendations of the Special Rapporteur in his reports, in particular the recommendation for the provision of the continuation of necessary medical and psychological care of victims of rape within the framework of programmes to rehabilitate women and children traumatized by war;

13. Calls upon all States to cooperate with the International Tribunal and the Office of the Prosecutor in the investigation and prosecution of persons accused of using rape as a weapon of war and in the provision of protection, counselling and support to victims and witnesses;

14. Recognizes the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims, and expresses its concern, in particular, for the welfare of those victims who are at present among the internally displaced or otherwise affected by the war, and who have experienced severe trauma and require psychosocial and other assistance;

15. Urges all States and all relevant intergovernmental and non-governmental organizations, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the World Health Organization, to continue to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation and to extend their support to the community-based assistance programmes;

16. Requests the Secretary-General to provide such necessary means as are available to him in the area to enable any future missions to have free and secure access to places of detention;

17. Also requests the Secretary-General to submit an updated and substantive report no later than 1 March 1995 on the issue of rape and abuse of women in the areas of armed conflict in Bosnia and Herzegovina, in particular in those areas where access is being denied to the Special Rapporteur, and on the measures taken towards implementation of the present resolution;

18. Decides to continue the consideration of this question at its fiftieth session.

94th plenary meeting
23 December 1994

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/49/610/Add.3)]

49/206. Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenant on Economic, Social and Cultural Rights, 2/ the International Covenant on Civil and Political Rights, 2/ the Convention on the Prevention and Punishment of the Crime of Genocide, 3/ and other applicable human rights and humanitarian law instruments,

Recalling Commission on Human Rights resolution S-3/1 of 25 May 1994, 4/ by which the Commission established a Special Rapporteur to investigate the human rights situation in Rwanda,

Recalling the establishment of the Commission of Experts pursuant to Security Council resolution 935 (1994) of 1 July 1994 to report on grave violations of international humanitarian law in Rwanda,

Deeply concerned by the reports of the Special Rapporteur and the Commission of Experts that genocide and systematic, widespread and flagrant violations of international humanitarian law and crimes against humanity have been committed in Rwanda, resulting in massive loss of life,

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ Resolution 260 A (III).

4/ E/1994/24/Add.2-E/CN.4/1994/132/Add.2, chap. II.

Also deeply concerned by the reports of the Special Rapporteur and the Commission of Experts that the situation of ethnic and political armed conflict in Rwanda resulted in other grave violations and abuses of human rights, including violation of the right to life, the right to physical and moral integrity, the right to be free from torture and other cruel, inhuman and degrading treatment and the right to be free from discrimination on the grounds of ethnic origin and to be protected from incitement to such discrimination,

Reaffirming the deep concern expressed by the World Conference on Human Rights about violations of human rights during armed conflicts affecting the civilian population, especially women, children, the elderly and the disabled, 5/

Noting that, following the cease-fire of 18 July 1994, a new Government of Rwanda has been established and has made efforts to restore the rule of law and reconstruct the civil administration and the social, legal, physical, economic and human rights infrastructure of Rwanda after the extensive damage inflicted by the civil conflict,

Noting with concern that, in spite of efforts by the Government of Rwanda to ensure peace and security and the rule of law, a situation of insecurity still exists, evidenced by reports of disappearances, arbitrary arrest and detention, summary executions and destruction of property, and welcoming the commitments of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms and to eliminate impunity by investigating and prosecuting those responsible for acts of retribution,

Concerned about the danger posed by continuing incidences of violence and intolerance in Rwanda, which impede the full realization of civil, political, economic, social and cultural rights,

Also concerned about the fact that these occurrences create a climate of insecurity, which prevents refugees and displaced persons from returning to their homes, conscious that the return to their homes is essential for the normalization of the situation in Rwanda and countries of the region, and concerned, in addition, about reports of continuing acts of intimidation and violence within the camps for refugees, particularly by the former Rwandese authorities, which prevent refugees from returning home,

Conscious that technical assistance and advisory services will assist the Government of Rwanda in reconstructing the social, legal, physical, economic and human rights infrastructure of Rwanda,

Further concerned by the ongoing interference, particularly by the former Rwandese authorities, in the provision of humanitarian relief, which has already led to the withdrawal of some non-governmental agencies responsible for the distribution of relief supplies within the camps outside Rwanda,

Noting with appreciation the efforts of the Secretary-General, his Special Representative for Rwanda, the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs of the Secretariat and non-governmental organizations, as well as of the Commission on Human Rights and its special rapporteurs,

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5/ See Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III, sect. I, para. 29.

Commending the initiatives taken by the United Nations High Commissioner for Human Rights, including his timely visits to Rwanda, and welcoming his efforts to ensure that the Special Rapporteur is assisted by a team of human rights field officers acting in close cooperation with the United Nations Assistance Mission for Rwanda and other United Nations agencies and programmes operating in Rwanda, and his efforts to facilitate coordination and cooperation between the work of the Commission of Experts and the Special Rapporteur,

Conscious of the important role human rights field officers will have in establishing an environment conducive to full respect for human rights and fundamental freedoms and in preventing further violations, mindful of the need for the speedy deployment of a sufficient number of such officers to fulfil this role and endorsing the Secretary-General's encouragement to Member States to provide contributions to expand human rights activities in the field,

Stressing the need for the implementation by all parties in Rwanda of the principles contained in the Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha on 4 August 1993, 6/ which constitutes the framework for peace, national reconciliation and unity in Rwanda, and noting with appreciation the efforts of the Chairman and Secretary General of the Organization of African Unity, the President of the United Republic of Tanzania, Mr. Ali Hassan Mwinyi, in his capacity as the Facilitator of the Arusha peace process,

Recalling Security Council resolution 965 (1994) of 30 November 1994, in which the Council expanded the mandate of the Assistance Mission to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, to provide security and support for the distribution of relief supplies and humanitarian relief operations, to contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, and to assist in the training of a new integrated police force, and recalling also the Secretary-General's revised deployment schedule for the Assistance Mission, which is intended to promote security in all areas of the country and create conditions conducive to the return of refugees,

Conscious of the fact that the magnitude of the tragedy in Rwanda requires the kind of coordination and resources that can be effectively sustained by the United Nations, and supporting the Secretary-General's encouragement, under the Rwanda Emergency Normalization Plan, to States Members of the United Nations, United Nations agencies and non-governmental organizations to provide immediate and coordinated technical and financial assistance to Rwanda,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall United Nations response to the situation in Rwanda,

Recognizing also that a strong human rights component is indispensable to the political peace process and the post-conflict reconstruction of Rwanda,

Considering that the international community and the Government of Rwanda must follow closely and continue to support all efforts to consolidate peace, ensure full respect for human rights and fundamental freedoms and undertake the reconstruction of Rwanda,

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6/ See A/48/824-S/26915, annex I.

1. Welcomes the reports of the Special Rapporteur on the situation of human rights in Rwanda; 7/

2. Condemns in the strongest terms all acts of genocide and violations of international humanitarian law and all violations and abuses of human rights that occurred during the conflict in Rwanda, especially following the tragic events of 6 April 1994;

3. Also condemns in the strongest terms the kidnapping and killing of military peace-keeping personnel attached to the United Nations Assistance Mission for Rwanda, the killing of personnel attached to humanitarian organizations operating in the country, the wanton killing of innocent civilians and the destruction of property during the conflict, which constitute a blatant violation of international humanitarian law;

4. Reaffirms that all persons who commit or authorize genocide or other grave violations of international humanitarian law or those who are responsible for grave violations of human rights are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible to justice in accordance with international principles of due process;

5. Welcomes the establishment, pursuant to Security Council resolution 955 (1994) of 8 November 1994, of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandese Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994, and urges States to cooperate fully with the International Tribunal;

6. Requests States that have given refuge to persons involved in serious breaches of international humanitarian law, crimes against humanity or acts of genocide to take the necessary steps, in cooperation with the International Tribunal for Rwanda, to ensure that they do not escape justice;

7. Notes with deep concern the findings of the Special Rapporteur that disappearances, arbitrary arrest and detention, summary executions and destruction of property are still taking place in Rwanda, encourages the Government of Rwanda to ensure investigation and prosecution of those responsible for such acts in accordance with international principles of due process, and welcomes the commitments of the Government of Rwanda in this regard;

8. Encourages the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms, stresses the need to create an environment conducive to the realization of civil, political, economic, social and cultural rights, and to the return by refugees and displaced persons to their homes, and welcomes in this regard the commitments made by the Government of Rwanda;

9. Encourages the efforts of the Government of Rwanda to involve, regardless of ethnicity, all citizens not responsible for acts of genocide or other grave violations of international humanitarian law, within its administrative, judicial, political and security structures;

7/ A/49/508-S/1994/1157, annexes I and II, and A/49/508/Add.1-S/1994/1157/Add.1, annex.

10. Invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to contribute financial and technical support to the efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, physical, economic and human rights infrastructure of Rwanda;

11. Welcomes the efforts of the Government of Rwanda to restore the rule of law and to reconstruct the Rwandese justice system, and invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to provide technical and financial assistance for the administration of justice, particularly to ensure the independence and impartiality of the judiciary, and welcomes in this regard the efforts of the Centre for Human Rights of the Secretariat to assist the Ministry of Justice of Rwanda;

12. Also invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to provide technical and financial assistance to the system of law enforcement in Rwanda, including police training, and welcomes in this regard the assistance being provided by the Assistance Mission to the Government of Rwanda in its efforts to establish a new integrated police force;

13. Condemns those preventing, in some instances by force, the voluntary repatriation of refugees, and those obstructing the access of humanitarian relief to all in need, including those in the camps for refugees, and calls on the appropriate authorities to ensure security in such camps;

14. Urges the responsible authorities in Rwanda and in the region to ensure full respect for human rights and fundamental freedoms in the camps for refugees and displaced persons;

15. Welcomes the commitment of the Governments of Zaire, the United Republic of Tanzania and Burundi to help resolve the problems facing the refugees, and calls upon them to do all in their power to ensure the safety both of the refugees and of the personnel providing humanitarian assistance to the refugees;

16. Urges Governments of the region to take measures to prevent their territory from being used to pursue a strategy of destabilization within Rwanda;

17. Urges the Rwandese authorities and the Rwandese people to work for national reconciliation and unity in Rwanda, for peace in the country and the whole region, and to work together to implement the principles contained in the Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha, 6/ which constitutes the framework for peace, national reconciliation and unity in Rwanda;

18. Welcomes the efforts of the United Nations High Commissioner for Human Rights to ensure that efforts of the United Nations aimed at conflict-resolution and peace-building in Rwanda are accompanied by a strong human rights component and effectively supported by a comprehensive programme of human rights assistance, drawing as appropriate on the expertise and capacities of all parts of the United Nations system able to contribute to the promotion and protection of human rights in Rwanda;

19. Also welcomes the cooperation the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights and to the

Special Rapporteur, and the acceptance by the Government of Rwanda of the deployment of human rights field officers, bearing in mind the important role of those officers, acting in close cooperation with the Assistance Mission and other United Nations agencies and programmes operating in Rwanda, in establishing a climate of confidence and a secure environment conducive to full respect for human rights and fundamental freedoms and in preventing further violations;

20. Invites Member States to intensify further their efforts to support human rights activities in the field in Rwanda;

21. Requests the Secretary-General to take appropriate steps to ensure adequate financial and human resources and logistical support for the speedy deployment of a sufficient number of human rights field officers and for the delivery of programmes of technical assistance and advisory services;

22. Also requests the Secretary-General to provide all resources necessary to enable the Special Rapporteur to fulfil his mandate;

23. Decides to continue its consideration of this question at its fiftieth session.

94th plenary meeting
23 December 1994

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/49/610/Add.3)]

49/207. Situation of human rights in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 3/ and the Additional Protocols thereto, of 1977, 4/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

4/ Ibid., vol. 1125, Nos. 17512 and 17513.

ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also all its resolutions adopted on the question, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Taking note, in particular, of Commission on Human Rights resolution 1994/84 of 9 March 1994, 5/ in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and to request him to report to the General Assembly at its forty-ninth session, and of Economic and Social Council decision 1994/268 of 25 July 1994, in which the Council approved the Commission's decision,

Recalling further its resolution 48/152 of 20 December 1993, and noting with concern that in 1994 the situation of human rights in Afghanistan has further deteriorated owing to the outbreak of large-scale fighting,

Recalling the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 14 November 1970, 6/

Noting that, following the demise of the former Afghan Government, a transitional Islamic State of Afghanistan was established,

Noting with deep concern that in spite of the various efforts and initiatives taken towards ensuring complete peace and stability, including those taken by the Afghan Government, a situation of armed confrontation, affecting mainly the civilian population, which is still the target of indiscriminate military attacks by rival groups and of food blockades, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and has also caused a dramatic rise in the number of persons displaced inside the country,

Concerned that the prevailing situation in the country is affecting the security of members of all ethnic and religious groups, including minorities,

Concerned in particular that armed confrontation in Afghanistan has brought about a situation where a unified judicial system cannot be established throughout the country,

Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights, 2/ such as the right to life, liberty and security of person and to freedom of opinion, expression and association,

Deeply concerned about the recurring violations of human rights specific to or primarily directed against women by some members of warring factions in Afghanistan, and about the lack of respect towards them and their physical integrity and dignity, as reported by the Special Rapporteur,

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5/ Official Records of the Economic and Social Council, 1994, Supplement No. 4 and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

6/ United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Sixteenth Session, vol. 1, Resolutions, p. 135.

Concerned at reports of detainees who are being held for political reasons by rival groups, in particular in prisons run by political parties,

Noting with concern that weapons and other military material are acquired by some factions through the production and sale of illicit drugs,

Noting that much remains to be done for the treatment of prisoners to be in conformity with the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977,

Deeply concerned at the situation of refugees and internally displaced persons, which has worsened in 1994 owing to the prevailing situation in Afghanistan, and expressing the hope that conditions in the country will allow an early resumption of the repatriation of those still in exile,

Noting with appreciation the efforts undertaken by some neighbouring countries to provide assistance to Afghan refugees pending their repatriation, despite diminishing financial and other resources,

Aware that peace and security in Afghanistan are prerequisites for the successful repatriation of about three million refugees and, in particular, for the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

Affirming that the 1992 declaration of general amnesty issued by the Islamic State of Afghanistan should be applied in a strictly non-discriminatory manner and that prisoners detained by rival parties without trial on Afghan territory should be released unconditionally,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur 7/ and of the conclusions and recommendations contained therein,

Commending the efforts by the Special Rapporteur to implement Commission on Human Rights resolution 1994/45 of 4 March 1994 5/ and the Vienna Declaration and Programme of Action, 8/ adopted by the World Conference on Human Rights on 25 June 1993, by including in his report information on human rights violations affecting women,

Noting that the Special Rapporteur visited four provinces in Afghanistan, while regretting that he was unable to visit Kabul owing to the continuous shooting of rockets and artillery on the capital,

1. Welcomes the cooperation that authorities in Afghanistan have extended to the Special Rapporteur of the Commission on Human Rights on the

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7/ A/49/650, annex.

8/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

situation of human rights in Afghanistan, in view of the circumstances prevailing in the country;

2. Also welcomes the cooperation that the authorities in Afghanistan have extended, in particular to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Urges all the Afghan parties to undertake, where appropriate under the auspices of the United Nations, all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and genuine elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of about three million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

4. Welcomes all the efforts towards reaching a comprehensive, peaceful political solution to the conflict in Afghanistan, in particular the efforts of the United Nations Special Mission to Afghanistan established in pursuance of General Assembly resolution 48/208 of 21 December 1993, with the mandate to canvass a broad spectrum of the leaders of Afghanistan, soliciting their views on how the United Nations can best assist Afghanistan in facilitating national rapprochement and reconstruction, and to submit its findings, conclusions and recommendations to the Secretary-General for appropriate action;

5. Notes with appreciation the cooperation the Afghan people and leaders have provided to the Special Mission and urges all the Afghan parties to continue to work with it with a view to achieving a comprehensive solution to the crisis in Afghanistan;

6. Urges both the Special Mission and the Special Rapporteur to exchange relevant information and to consult and cooperate with each other;

7. Invites the United Nations to offer, upon the request of the Afghan Government and with due regard to the Afghan tradition, advisory services and technical assistance concerning the drafting of a constitution, which should embody internationally accepted human rights principles, and the holding of direct elections;

8. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and calls upon all the Afghan parties to respect human rights;

9. Urges all the Afghan parties to respect accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, to halt the use of weapons against the civilian population, to protect all civilians from acts of reprisal and violence, including ill-treatment, torture and summary executions, and to expedite the simultaneous release of prisoners wherever they may be held;

10. Urges the Afghan authorities to provide sufficient and effective remedies to the victims of grave human rights violations and to bring their perpetrators to trial in accordance with internationally accepted standards;

11. Strongly urges all the Afghan parties to ensure respect for the human rights and fundamental freedoms of women, so that their honour and dignity may be ensured in accordance with the provisions of international human rights instruments and humanitarian law;

12. Calls upon all States and parties concerned to make all efforts for the realization of its decision 47/428 of 16 December 1992, entitled "Prisoners of war and persons missing as a result of war in Afghanistan", and calls upon them to make all efforts for the immediate release of all prisoners of war, in particular of former Soviet prisoners of war, as provided for under article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, 9/ considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended, as well as for the tracing of the many Afghans still missing as a result of the war;

13. Urges the unconditional release of all prisoners detained without trial on Afghan territory by rival groups, and calls for the abolition of prisons run by political parties;

14. Calls upon the authorities in Afghanistan to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply amnesty decrees equally to all detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, 10/ adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all suspected or convicted persons article 14, paragraphs 3 (d) and 5 to 7, of the International Covenant on Civil and Political Rights;

15. Stresses the need for humanitarian aid deliveries to be effected through unhindered access to all main routes to Kabul;

16. Appeals to all Member States to provide adequate humanitarian assistance to Afghanistan in order to contribute to the alleviation of the suffering of refugees and especially to the improvement of the living conditions of women and children, widows and orphans, and calls upon neighbouring countries to continue providing assistance to Afghan refugees;

17. Urges the international community to sustain the increasing financial efforts undertaken by humanitarian organizations, such as the Office of the United Nations High Commissioner for Refugees and other organizations of the United Nations, and non-governmental organizations, to assist the Afghan refugees;

18. Urges the United Nations High Commissioner for Refugees to continue to assist the Afghan refugees in the neighbouring countries until their voluntary repatriation can be effected, without prejudice to their security and to the enjoyment of their basic economic and social rights;

19. Urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance

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9/ United Nations, Treaty Series, vol. 75, No. 972.

10/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

Programmes Relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

20. Reiterates its appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

21. Strongly urges all the parties to the conflict to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and programmes of the United Nations High Commissioner for Refugees, in order to avoid further deplorable incidents such as those which have caused loss of life among that personnel;

22. Invites the United Nations Educational, Scientific and Cultural Organization to entrust the Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation with the mandate, upon the invitation and with the cooperation of the Afghan authorities, of examining ways and means to restore the Kabul Museum, including through the tracing of the country's stolen articles, to propose measures aimed at preventing the illicit import, export and transfer of ownership of artefacts belonging to the Kabul Museum and to report thereon to the Executive Board of the United Nations Educational, Scientific and Cultural Organization;

23. Recommends the translation of the report of the Special Rapporteur into the Dari and Pashtu languages;

24. Urges the authorities in Afghanistan to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

25. Calls upon the Special Rapporteur to continue to gather information about specific instances of grave human rights violations and to broaden and intensify efforts in addressing human rights violations that are specific to or primarily directed against women, in order to assure the effective protection of their human rights;

26. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

27. Decides to keep under consideration at its fiftieth session the situation of human rights in Afghanistan, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

94th plenary meeting
23 December 1994